

OFF SALE PROCEDURES

The forms, which currently include an Off Sale Order, are Package Inspection Reports (PIR) and Labeling Violation Reports, see page 9-2 for examples. The Off Sale Order is incorporated into these forms and only the appropriate box needs to be checked to place the commodity off sale. The form **must** be signed by the person in possession.

CORRECTION

A. A commodity placed off sale may be corrected or disposed of by the person in possession by any of the following:

1. Marking with the correct net contents. Any incorrect statement must be completely covered or removed.
2. Repackaging or reprocessing so that the content statement is correct
3. Covering the incorrect content statement and donating or giving it away
4. Destroying or defacing the package so as to render it un-salable
5. Returning to the distributor or packer

NOTE: There may be other agency requirements limiting the content labeling and options for correction.

B. If a commodity is not corrected at the time of inspection:

1. A "Hold - Off Sale" card is attached to the lot. Be sure to enter your agency name and address on the address side of the card and your telephone number on the reverse.
2. The lot is clearly marked with "Hold" tape.
3. An instruction letter for the packers, distributors and retailers should be attached to the lot. A Sample Letter is on page 9-4.

| | | | |
|---|---|---|--|
| STATE OF CALIFORNIA, DEPARTMENT OF FOOD AND AGRICULTURE DIVISION OF MEASUREMENT STANDARDS | | DATE: 12-10-97 OFF SALE ORDER NO. 96-21004 | |
| HOLD - OFF SALE | | | |
| 48-002 (REV 1/97) WARNING: THESE PACKAGES HAVE BEEN ORDERED OFF SALE. DO NOT REMOVE THIS IDENTIFICATION CARD OR IN ANY WAY DISPOSE OF, TRANSPORT OR SELL THIS COMMODITY WITHOUT AUTHORIZATION FROM A WEIGHTS AND MEASURES OFFICIAL. VIOLATION OF THIS ORDER IS A MISDEMEANOR, AND MAY RESULT IN A FINE OF UP TO \$1,000 AND/OR 1 YEAR IN JAIL. | | | |
| PERSON IN POSSESSION: SUDER DUPER #8 | BRAND NAME AND COMMODITY RAMIREZ-GRO TORTILLAS HOT PEPPER CHIPS | Labeled CONTENTS 24oz 8oz | LOT CODES OR IDENTIFICATION A-15-11-19 96 15-15-1996 |
| ADDRESS: 1061 GREEN ST MIDDLEBROUGH | | | NUMBER OF PACKAGES 186 340 |
| | | | TOTAL 526 |
| DO NOT DESTROY THIS CARD - TO THE RELEASING AGENCY: INDICATE THE DATE AND FINAL DISPOSITION BELOW AND RETURN THIS CARD TO THE AGENCY ON REVERSE. | | | |
| ISSUING AGENCY TELEPHONE NUMBER: (421) 498-1204 (NAME AND ADDRESS ON REVERSE) | | | |

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Department of Food and Agriculture
Division of Enforcement Practices

COUNTY: _____
DATE: _____
CATEGORY NO.: _____

LABELING VIOLATION REPORT

Inscribed At:

45-02 Rev. 4/80

Check Person Responsible for Met Contents

| | |
|----------------------------------|----------------------|
| Packer | Address |
| Distributor | Address |
| Dealer | Address |
| Shipped Status | Commodity |
| Other Violations - Code / Breach | Consumer Description |
| Mailed Customs | |

CHECK WHERE OUT OF COMPLIANCE WITH CALIFORNIA LAWS(S) OR REGULATIONS)

| VIOLATION | BUSINESS & PROFESSIONS | CCR #150 | DESCRIPTION |
|----------------|---|---|--|
| IDENTITY | <input type="checkbox"/> 13603(a) <input type="checkbox"/> 13603(b) | <input type="checkbox"/> 2.1 <input type="checkbox"/> 4. | Container Package Manufacturer |
| RESPONSIBILITY | <input type="checkbox"/> 13603(a) <input type="checkbox"/> | <input type="checkbox"/> 5. <input type="checkbox"/> | |
| QUANTITY | <input type="checkbox"/> 13603(b) <input type="checkbox"/> 13603(c) <input type="checkbox"/> 13605 <input type="checkbox"/> 13602(a) <input type="checkbox"/> 13602(b) <input type="checkbox"/> 13603(d) | <input type="checkbox"/> 6.3 <input type="checkbox"/> 6.1 <input type="checkbox"/> 6.14 <input type="checkbox"/> 8.1 <input type="checkbox"/> 8.2.1 <input type="checkbox"/> 7.2 | Label Date & Best Period Qualifying Terms Ingredients & Preservatives Lottery Seal Manufacturer |
| OTHER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Complete description of label: includes area of principal display panel and package dimensions.

DO NOT MOVE ON IN ANY WAY BEFORE WITHOUT WRITTEN AUTHORIZATION CORRECTED AND REPAID / Number of Packages:

| | | | |
|---------------|------|--------|----|
| Owner / Agent | Type | Status | By |
|---------------|------|--------|----|

DO NOT SEND THIS INQUIRY WITHOUT ACTUAL LABEL, DIAGRAM, PHOTO, ETC.

LABELING VIOLATION INQUIRY

Agency Violation Returned To

Address

TO RECEIVING AGENCY: UPON COMPLETION OF INVESTIGATION, PLEASE SUBMIT YOUR FINDINGS TO AGENCY

Agency Address Office

Address

Fax

C. Movement

Commodities being held off sale should not be released for movement until the following information has been obtained. This information should be sent to the receiving county or DMS. A Sample Form is on page 9-5.

1. Where is it to be shipped?
2. Date of shipment.
3. How is it to be transported?
4. Approximate date of arrival.
5. Commodity identity.
6. Brand.
7. Number of packages/cases.
8. Code marks.
9. Manufacturer or processor.
10. Location where the product was removed from sale (Person/Business in Possession).

The authorization for returning commodity should be signed by a responsible person, and this person should have proof of commodity's return available for inspection.

D. Release and Disposition

1. Time enough to notify the receiving county or DMS should be allowed between writing the release and the movement date.
2. Perishable commodities may be released for transport with a telephone call. Telephone the receiving county or DMS with all of the information covered under Section C, Movement.
3. The "Hold - Off Sale" card has been designed as a postcard. It is to be returned to the issuing county (the address is on the reverse). The disposition of the lot is to be noted in the space on the face of the card.
4. **When packages under an Off Sale order have been shipped to another county, the receiving county should check that all packages are present in the shipment. The receiving county should supervise the correction or disposal of the packages, note the disposition in the space on the face of the Hold Card. The card should then be mailed to the county originally issuing the Off Sale Order.**

- E. If product under an Off Sale Order is not handled according to the directions given by the issuing agency, this needs to be documented and a Notice of Violation of Business and Professions Code 12025.5 issued.

STATE OF CALIFORNIA

DEPARTMENT OF FOOD AND AGRICULTURE

Division of Measurement Standards
6790 Florin Perkins Rd, Ste 100
Sacramento, CA 95828-1812
(916) 229-3000

**INSTRUCTIONS FOR CORRECTION OR HANDLING
OF COMMODITIES UNDER HOLD - OFF SALE ORDER**

WARNING:

1. Do Not Sell.
2. Do Not Remove Hold - Off Sale Card.
3. **Do Not** move, transport, commingle, or dispose of any commodities under an Off Sale order without written permission from issuing department.

Contact your local County Department of Weights and Measures:

1. For methods of correcting the violation(s).
2. Before transporting Off Sale commodities to any other location.
3. Before disposal or reprocessing of any Off Sale commodities.
4. If you have any questions regarding these instructions.

Issuing Agency: _____

Address: _____

Telephone No.: _____

NOTICE: Removal of Hold - Off Sale card or selling, transporting or disposing of a commodity under an Off Sale order without permission is a misdemeanor offense (B&P Code 12025.5), which may result in a fine of up to \$1,000 and/or 1 year in jail.

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SHIPMENT INFORMATION, OFF SALE COMMODITY

THIS INFORMATION IS REQUIRED BEFORE THIS COMMODITY
WILL BE RELEASED FOR SHIPMENT FROM THIS LOCATION

1. Brand and Commodity: _____
 2. Number of Cases/Packages: _____ Code(s): _____
 3. Manufacturer/Processor: _____
 4. Person/Business in Possession: _____
 5. Date of Shipment: _____
 6. Carrier: _____
 7. Destination: _____

 8. Approximate Date of Arrival: _____
- Owner/Agent: _____ Title: _____
- Date: _____ Telephone Number: _____
- Issuing Agency:** _____
- Address:** _____
- Telephone No.:** _____

NOTICE: As soon as all the above information is completed, contact the issuing agency for authorization to ship the merchandise from this location.

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